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DRAFTED BY ARA/ECA:ROGRAHAM:RC

APPROVED BY ARA :FMCNEIL

ARA:GLISTER (INFO)

L/HA:CFUNYON (INFO)

HA/HR:MBOVA (SUP.)

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FM SECSTATE WASHDC

TO AMEMPASSY MONTEVIDEO PRIORITY

C O N F I D E N T I A L STATE 051236

F.O. 11652: GDS

TACS: SHUM, UY

SUBJECT: LETTER TO PRESIDENT MENDEZ FROM ABA PRESIDENT SPANN

REF: STATE 35275

1. WILLIAM B. SPANN, JR., PRESIDENT OF THE AMERICAN BAR ASSOCIATION, HAS WRITTEN A LETTER TO PRESIDENT MENDEZ IN SUPPORT OF THE MISSION TO URUGUAY TO BE HEADED BY WILLIAM BUTLER. THE TEXT OF THE LETTER DATED FEBRUARY 23 FOLLOWS. PLEASE TRANSMIT TO MENDEZ BY DIPLOMATIC NOTE WITH THE INDICATION THAT THE ORIGINAL IS BEING FORWARDED THROUGH THE EMPASY:SY. BUTLER ADVISES THAT THIS IS THE FIRST FOREIGN MISSION TO BE ENDORSED BY THE AMERICAN BAR ASSOCIATION.

2. BEGIN TEXT: DEAR MR. PRESIDENT.

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AS A FELLOW LAWYER, I AM TAKING THE LIBERTY OF WRITING TO YOU ON BEHALF OF THE AMERICAN BAR ASSOCIATION, AND ITS MEMBERS WHO NUMBER OVER 224,000, TO EXPRESS OUR CONCERN, BASED ON REPORTS COMING TO US, WITH REGARD TO THE ARREST AND PROSECUTION OF DEFENSE LAWYERS IN URUGUAY ON CHARGES ARISING OUT OF THEIR PERFORMANCE OF THEIR PROFESSIONAL DUTIES ON BEHALF OF INDIVIDUAL CLIENTS.

WE ARE CONFIDENT THAT YOU ALSO BELIEVE IN AND SUPPORT THE RULE OF LAW AND RECOGNIZE THE NEED FOR AN INDEPENDENT JUDICIARY AND FOR THE INDEPENDENCE OF LAWYERS TO CARRY OUT THEIR DUTIES ON BEHALF OF THEIR CLIENTS.

NEEDLESS TO SAY, WE ARE MOST ANXIOUS TO MAKE CERTAIN OF THE RELEVANT FACTS. I HAVE BEEN ADVISED THAT THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK HAS SELECTED TWO WELL QUALIFIED LAWYERS, WILLIAM J. BUTLER OF THE NEW YORK BAR AND LUIS REQUE OF THE BOLIVIAN BAR, TO GO TO MONTEVIDEO AS A MISSION TO MAKE INQUIRY INTO THE FACTS AND CIRCUMSTANCES SURROUNDING THE ARREST AND DETENTION OF DR. RODOLFO SCHURMANN PACHECO, DR. FRAGA

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|--------------------------------------------------------------------------------------------------|---------------------|
| DEPARTMENT OF STATE A/CDC/MR                                                                     |                     |
| REVIEWED BY <i>J. Man</i>                                                                        | DATE <i>4/29/80</i> |
| RDS <input type="checkbox"/> or XDS <input type="checkbox"/>                                     | EXT. DATE           |
| IS AUTH.                                                                                         | REASON(S)           |
| ENDORSE EXISTING MARKINGS <input type="checkbox"/>                                               |                     |
| DECLASSIFIED <input checked="" type="checkbox"/> R. LEASABLE <input checked="" type="checkbox"/> |                     |
| RELEASE DENIED <input type="checkbox"/>                                                          |                     |
| PA or FOI EXEMPTIONS                                                                             |                     |

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AND TWO OTHERS. I HAVE RECEIVED A COPY OF THE LETTER  
OF THE PRESIDENT OF THAT ASSOCIATION TO YOU DATED  
FEBRUARY 7, 1978.

IN THAT LETTER, MR DEWIND REFERS TO THE RESOLUTION OF  
THE HOUSE OF DELEGATES OF THE AMERICAN BAR ASSOCIATION  
ADOPTED FEBRUARY 24, 1975, REAFFIRMING THAT ASSOCIATION'S  
SUPPORT FOR THE RULE OF LAW IN THE INTERNATIONAL  
COMMUNITY AND ITS RECOGNITION OF THE NEED FOR AN  
INDEPENDENT JUDICIARY AND FOR THE INDEPENDENCE OF LAWYERS  
AS ESSENTIAL ELEMENTS IN MAINTAINING THE RULE OF LAW.  
THUS, THE AMERICAN BAR ASSOCIATION AND I AS ITS

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PRESIDENT ARE EQUALLY INTERESTED IN ASCERTAINING THE  
FACTS IN THIS SITUATION AND, RATHER THAN CONSIDERING  
A SEPARATE MISSION, WISH TO EXPRESS TO YOU THE HOPE  
THAT THE MISSION WILL HAVE ADEQUATE OPPORTUNITY TO TALK  
WITH THE APPROPRIATE AUTHORITIES IN YOUR COUNTRY, AND  
ALSO TO INTERVIEW THE FOUR LAWYERS MENTIONED. DR.  
SCHURMAN PACHECO, I UNDERSTAND, ENJOYS AN INTERNATIONAL  
REPUTATION AS A LAWYER AND A PROFESSOR AND WE WOULD BE  
PARTICULARLY INTERESTED IN DEVELOPING THE FACTS IN HIS  
CASE.

MY SOLE CONCERN, AND THAT OF OUR ASSOCIATION, IS FOR THE  
MAINTENANCE OF THE RULE OF LAW AND THE ELEMENTS  
NECESSARY TO SUSTAIN IT, INCLUDING THE INDEPENDENCE OF  
LAWYERS AND THEIR ABILITY TO CARRY OUT THEIR PROFFES-  
SIONAL DUTIES IN REPRESENTING THEIR CLIENTS. I CAN  
ASSURE YOU THAT WE HAVE NO POLITICAL MOTIVE WHATSOEVER  
IN WRITING TO YOU.

RESPECTFULLY YOURS.

(SIGNED) WM. B. SPANN, JR.

END TEXT. VANCE

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